



COMMONWEALTH of VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

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December 18, 2007

Mr. David S. Ekern, P.E.
Commissioner
Virginia Department of Transportation
1401 E. Broad St.
Richmond, VA 23219

Dear Commissioner Ekern:

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) has requested that I contact you directly to relate to you a matter of concern.

The Board has recently been advised of several instances in which the Virginia Department of Transportation (VDOT) has failed to accept site plan designs prepared and sealed by certified landscape architects. As you know, the General Assembly during its 2006 Session passed House Bill 521, which amended the *Code of Virginia* to require acceptance of such plans.¹

The Board is concerned that there remains an element of confusion regarding the practice of landscape architecture. Specifically, in correspondence dated November 15, 2007, from Ray Varney, P.E., L.S., of the VDOT Petersburg Residency, to Certified Landscape Architect Dean Hawkins (please see Exhibit Q in the enclosed document prepared by Mr. Hawkins), Mr. Varney writes:

"Being engineers, we are not sure to what degree landscape architects are educated, trained and examined specifically for drainage calculations. I would

¹ § 54.1-409. Landscape architecture.

Resulting plans and specifications, submitted under the seal, stamp or certification of a certified landscape architect, shall be accepted for review by local and state authorities, in connection with both public and private projects. However, no landscape architect, unless he is also licensed as a land surveyor, shall provide boundary surveys, plats or descriptions for any purpose, except in conjunction with or under the supervision of an appropriately licensed professional, who shall provide certification, as required. Landscape architects shall only engage in projects which they are qualified to undertake based on education, training, and examination and in accordance with the practice of landscape architecture as defined in § 54.1-400. [emphasis added]

really like to sit down and discuss this with you one day so I can get a better understanding of a landscape architect's capabilities." [emphasis in original]

The definitions sections pertaining to landscape architecture contained in § 54.1-400 of the *Code of Virginia* provide valuable information for understanding the education and experience capabilities required of certified landscape architects.² In addition, the following official interpretation by the APELSCIDLA Board – issued February 8, 2007, to Kendal R. Walus, P.E., VDOT's State Structure and Bridge Engineer – provides supplemental clarification to assist in case-by-case determinations.

"... The Professional Engineers Section of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) reviewed this issue at their most recent meeting on December 12, 2006. After discussion, the Board decided that Certified Landscape Architects may be qualified to design closed storm water management systems with the proper education, training and experience in accordance with subsection A of Regulation 18 VAC 10-20-730. Please note that the specific answer to your inquiry will depend on the circumstances of each project and the education and experience of the involved Certified Landscape Architect. Regarding the provisions of § 54.1-409 of the Code of Virginia, please note that accepting plans for review is not same as approving plans; further, the provisions of § 54.1-409 do not allow a professional to practice outside his area of certification." [emphasis added]

Subsection A of regulation 18 VAC 10-20-730, in part, states:

"The professional shall undertake to perform professional assignments only when qualified by education or experience, or both, and licensed or certified in the profession involved. ... The professional may accept an assignment requiring education or experience outside of the field of the professional's competence, but only to the extent

² § 54.1-400. Definitions.

As used in this chapter unless the context requires a different meaning: . . .

'Certified landscape architect' means a person who, by reason of his special knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and whose competence has been attested by the Board through certification as a landscape architect.

The **'practice of landscape architecture'** by a certified landscape architect means any service wherein the principles and methodology of landscape architecture are applied in consultation, evaluation, planning (including the preparation and filing of sketches, drawings, plans and specifications) and responsible supervision or administration of contracts relative to projects principally directed at the functional and aesthetic use of land.

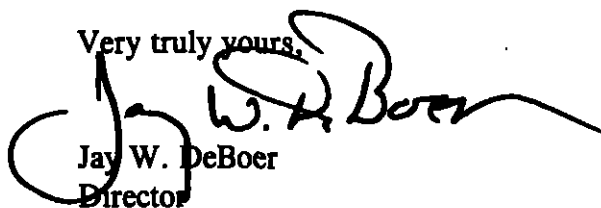
that services are restricted to those phases of the project in which the professional is qualified."

Finally, subsection B of § 54.1-410³ highlights that when plans are prepared by an architect, professional engineer, land surveyor or certified landscape architect, the determination of which professional seal is required is a function of the project. For instance, a certified landscape architect should not be sealing a set of plans for a bridge – as such work falls outside the definition of the practice of landscape architecture – which constitutes the practice of engineering and thus requires the seal of a professional engineer.

Once a state or local official determines which category of professional must participate in a project, it is important to verify the status of the professional's license by using the *License Lookup* feature of the Department of Professional and Occupational Regulation's website at www.dpor.virginia.gov (select the *License Lookup* feature on the left side of the screen). Of course, Board staff is also available to assist with individual and firm verification by calling (804) 367-8512.

I hope this information will be helpful in addressing any confusion regarding the acceptance by VDOT and its residencies of plans sealed by certified landscape architects. The APELSCIDLA Board and staff would be pleased to respond to any additional questions.

With best personal regards, I am

Very truly yours,

Jay W. DeBoer
Director

Enclosure

C: The Honorable G. Glenn Oder

Mark N. Courtney
Executive Director, APELSCIDLA Board

JWD/mnc

³ § 54.1-410. Other building laws not affected; duties of public officials.

B. Any public body authorized by law to require that plans, specifications or calculations be prepared in connection with improvements to real property shall establish a procedure to ensure that such plans, specifications or calculations be prepared by an architect, professional engineer, land surveyor or landscape architect licensed, certified or authorized pursuant to this chapter in any case in which the exemptions contained in §§ 54.1-401, 54.1-402 or § 54.1-402.1 are not applicable. [emphasis added]